

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51861 of 2021

Arising Out of PS. Case No.-555 Year-2019 Thana- KHAGARIA District- Khagaria

Kundan Kumar Sahni Son of Rajo Sahni @ Rajesh Sahni Resident of Village-
Mathurapur, Bhagat Tola, Ward No. 12, P.S.- Khagaria, District- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Sumiran Rai, Advocate

For the Opposite Party/s : Mr. Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 04-01-2022 Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the physical Court.

Heard learned counsel for the petitioner and the learned A.P.P. for the State in virtual Court proceeding.

The petitioner seeks bail in connection with Khagaria P.S. Case No. 555 of 2019 registered for the offence under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act.

Recovery of 135 liters of country-made liquor was made in front of the house of the petitioner and co-accused Chandan Kumar Sahni.

Learned counsel appearing for the petitioner submits that the petitioner has no criminal antecedent. He



has falsely been implicated in the present case. He further submits that it appears from the FIR itself that nothing has been recovered from the conscious possession of the petitioner. Recovery has been made under Neem tree in front of the house of the petitioner. The petitioner is in custody since 19.04.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Khagaria, in connection with Khagaria P.S. Case No. 555 of 2019 with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) If the petitioner tampers with the evidence or



the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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